United States District Court District of Puerto Rico (San Juan) CRIMINAL DOCKET FOR CASE #: 3:22-mj-01583-BJM-1

Case title: USA v. Eisenberg Date Filed: 12/27/2022

Assigned to: US Magistrate Judge

Bruce J. McGiverin

Defendant (1)

Avraham Mayer Eisenberg

represented by Joseph A. Niskar

Federal Public Defender's Office Patio Gallery Building 241 Franklin D. Roosevelt Ave. Hato Rey, PR 00918–2441 787–281–4922

Fax: 787–281–4899

Email: joseph niskar@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Federal Public Defender

Manuel San-Juan-DeMartino

Manuel San Juan Law Office

PO Box 9023587

San Juan, PR 00902-3587

787–723–6669

Fax: 787-725-2932

Email: sanjuanm@microjuris.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

Disposition

None

Highest Offense Level

(Opening)

None

Terminated Counts

Disposition

None

<u>Highest Offense Level</u> (Terminated)

None

Complaints

Disposition

7:9(1) and 13(a)(5), 17:180.1, 18:2 Commodities Fraud; 7:13(a)(2), 18:2 Commodities Manipulation

Interested Party

US Probation Office

Plaintiff

USA

represented by Carlos Jose Romo-Aledo

DOJ-USAO Torre Chardon 350 Carlos Chardon Street Suite 1201 San Juan, PR 00918 787-766-5656

 $Email: \underline{carlos.romo.aledo@usdoj.gov}$

LEAD ATTORNEY

ATTORNEY TO BE NOTICED Designation: AUSA Designation

Date Filed	#	Select all / clear	Docket Text
12/27/2022	1	Rule 5 Documents Received as to Avraham Mayer Eisenberg (1). (Attachments: # 1 Arrest Warrant) (bgl) (Entered: 12/28/2022)	
		Main Document	
		Attachment # 1 Arrest Warrant	
12/27/2022		Arrest of Avraham Mayer Eisenberg (1). (bgl) (Entered: 12/28/2022)	
12/27/2022	3	Minute Entry for proceedings held before US Magistrate Judge Bruce J. McGiverin: Initial Appearance in Rule 5(c)(3) Proceedings as to Avraham Mayer Eisenberg (1) held on 12/27/2022 via VTC. Present: AUSA Carlos Romo, AFPD Kevin Lerman and AUSPO Gabriela Hernandez. The defendant was present, under custody and did not require the assistance of a court interpreter. The defendant waived his right to appear physically at the hearing and consented to proceed by way of VTC. Defendant was advised as to the charges contained in the complaint from the Southern District of New York. The defendant was also advised of the applicable minimum and maximum statutory penalties that he is exposed to if convicted of the charges in the complaint. The defendant informed that he will be retaining counsel and requested court appointed counsel only for purposes of the initial appearance. The Court appointed the FPD's Office to represent the defendant	

		during the present hearing. As to detention, defense counsel offered arguments in favor of setting conditions of release today. Government argued in favor of temporary detention on the basis of risk of flight. After hearing the parties, the Court denied without prejudice the defendant's motion for release today. A Identity, Removal and Detention Hearing is set for 12/30/2022 at 10:30 AM in Courtroom 9 before US Magistrate Judge Bruce J. McGiverin. Preliminary Examination is set for 1/10/2023 at 10:00 AM in Courtroom 9 before US Magistrate Judge Bruce J. McGiverin. Government informed that a motion to unseal will be filed before the prosecuting district. (Court Reporter Zoom.) Hearing held at 12:05. Hearing ended at 12:22. (bgl) Modified on 12/28/2022 to edit docket text and modified hearing time as per CDC's request. (mg). Modified on 1/9/2023 to modify wording as to hearing. (mg). (Entered: 12/28/2022)
12/27/2022	4	ORDER scheduling detention hearing as to Avraham Mayer Eisenberg (1). Defendant is TEMPORARILY DETAINED pending hearing. Signed by US Magistrate Judge Bruce J. McGiverin on 12/27/2022. (bgl) (Entered: 12/28/2022)
12/28/2022	2	NOTICE OF ATTORNEY APPEARANCE: Joseph A. Niskar appearing for Avraham Mayer Eisenberg (1) (Niskar, Joseph) (Entered: 12/28/2022)
12/29/2022	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Manuel San–Juan–DeMartino appearing for Avraham Mayer Eisenberg (1) (San–Juan–DeMartino, Manuel) (Entered: 12/29/2022)
12/29/2022	6	***SELECTED PARTIES***Notice of Disclosure of Pretrial Services Report as to Avraham Mayer Eisenberg (1). Pretrial Services Reports are made available to Defense Counsel and the Government. The Pretrial Reports are not public record, are not to be produced or disclosed to any other party, and shall remain confidential as provided in Title 18 U.S.C. 3153(c)(1), by USA, US Probation Office, Avraham Mayer Eisenberg (Hernandez–Ramirez, Gabriela) (Entered: 12/29/2022)
12/30/2022	7	Minute Entry for proceedings held before US Magistrate Judge Bruce J. McGiverin: Identity, Removal and Detention. Hearing as to Avraham Mayer Eisenberg (1) held on 12/30/2022. Present in court were AUSA Myriam Fernandez, Atty. Manuel San–Juan–DeMartino and AUSPO Gabriela Hernandez. The defendant was present, under custody and did not require the assistance of a court interpreter. Counsel informed that the defendant waives the identity and removal hearings, but requests for the detention hearing to be held in this district. Defendant was advised of his rights and was ordered removed to the Southern District of New York. As to detention, defense counsel argued in favor of setting conditions of release, proffering a potential third–party custodian and a secured property bond. Government moved in favor of detention on the basis of both grounds. After hearing the arguments of the parties, the Court held the matter under advisement. (Court Reporter DCR/ Courtroom 9.) Hearing set for 10:30. Hearing held at 11:06. Hearing ended at 11:30. (bgl) Modified on 1/9/2023 to add wording as to CRD's request. (mg). (Entered: 01/03/2023)
01/04/2023	8	ORDER OF DETENTION PENDING TRIAL as to Avraham Mayer Eisenberg (1). The order is without prejudice to any revision by the court in the prosecuting district. Signed by US Magistrate Judge Bruce J. McGiverin

		on 1/4/2023. (JM) (Entered: 01/04/2023)
01/05/2023	9	TRANSCRIPT REQUEST (Bail Hearing) by Avraham Mayer Eisenberg (1) for proceedings held on 12–30–2022 before Judge Bruce J. McGiverin. (San–Juan–DeMartino, Manuel) (Entered: 01/05/2023)
01/09/2023	<u>10</u>	Rule 5 Documents Received (Southern District of New York Indictment) as to Avraham Mayer Eisenberg (1). (bgl) (Entered: 01/09/2023)
01/09/2023	11	ORDER as to Avraham Mayer Eisenberg (1) re 10 Rule 5 Documents Received: Preliminary Examination set for 1/10/2023 is vacated. Signed by US Magistrate Judge Bruce J. McGiverin on 1/9/2023. (bgl) (Entered: 01/09/2023)
01/09/2023	12	COMMITMENT TO ANOTHER DISTRICT as to Avraham Mayer Eisenberg (1). Defendant committed to District of Southern District of New York. Signed by US Magistrate Judge Bruce J. McGiverin on 1/9/2023. (bgl) (Entered: 01/09/2023)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff,

v.

CRIMINAL NO.

Avraham Meyer Eisenberg, Defendant.

NOTICE OF APPEARANCE

TO THE CLERK OF THE COURT AND ALL PARTIES OF RECORD:

- 1. Enter the appearance of the undersigned Assistant Federal Public Defender (AFPD) as counsel for Avraham Meyer Eisenberg.
- 2. Pursuant to policy of the Federal Public Defender for the District of Puerto Rico, notice of filings, both electronic and otherwise, are requested to be made jointly to the AFPD assigned to the case and to the Federal Public Defender, Mr. Eric A. Vos.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28th day of December, 2022.

ERIC A. VOS
Federal Public Defender
District of Puerto Rico

S / Joseph Adam Niskar USDC-PR 03007 241 F.D. Roosevelt Ave. San Juan, PR 00918-2441 Email: Joseph_Niskar@fd.org

UNITED STATES DISTRICT COURT

for the

United States of America v. Avraham Mayer Eisenberg (1))	Case No. 22-1583 (M)
Defendant)	

ORDER SCHEDULING A DETENTION HEARING

A detention hearing in this case is scheduled as follows:

Place: U.S. District Court Federal Building, 4th Floor	Courtroom No.: Courtroom 9
450 Observation A	Date and Time: 12/30/2022 at 10:30 AM

IT IS ORDERED: Pending the hearing, the defendant is to be detained in the custody of the United States marshal or any other authorized officer. The custodian must bring the defendant to the hearing at the time, date, and place set forth above.

Date:	12/27/2022	S/BRUCE J. McGIVERIN
		Judge's signature
		Bruce J. McGiverin, US Magistrate Judge
		Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

CRIM. NO.: 22-1583 (M)

Plaintiff

v.

AVRAHAM MEYER EISENBERG

Defendant

NOTICE OF APPEARANCE

TO THE HONORABLE COURT:

COMES NOW the undersigned attorney and very respectfully gives notice of his appearance in the captioned case on behalf of defendant Avraham Meyer Eisenberg.

WHEREFORE, the undersigned very respectfully requests that this Honorable Court take note of the above and that all Orders, Motions or other documents filed in the above captioned proceeding be notified to the undersigned.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 29th day of December, 2022.

I HEREBY CERTIFY that on December 29, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsels of record.

> S/Manuel San Juan MANUEL SAN JUAN USDC-PR No.: 204706 P.O. Box 9023587

San Juan, Puerto Rico 00902-3587

Tel.: (787) 723-6637 / (787) 723-6669

Fax: (787) 725-2932

E-mail: sanjuanm@microjuris.com

United States District Court

for the

District of Puerto Rico

United States of America)
V.)
) Case No. 22-1583 (M)
Avraham Mayer Eisenberg)
Defendant)

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon	the
	 Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2).

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator): There is a rebuttable
presumption that no condition or combination of conditions will reasonably assure the safety of any other person
and the community because the following conditions have been met:
\square (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
(a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C.
§ 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
(b) an offense for which the maximum sentence is life imprisonment or death; or
(c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
(d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
(e) any felony that is not otherwise a crime of violence but involves:
(i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and
\square (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C.
§ 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; <i>and</i>
\square (3) the offense described in paragraph (2) above for which the defendant has been convicted was
committed while the defendant was on release pending trial for a Federal, State, or local offense; and
(4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

AO 472	(Rev.	11/16)	Order	of Deter	ition	Pending	Trial
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B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses): There is a
rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the
defendant as required and the safety of the community because there is probable cause to believe that the defendant
committed one or more of the following offenses:
(1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the
Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
(2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
(4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
\square (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.
☐ C. Conclusions Regarding Applicability of Any Presumption Established Above
The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is
ordered on that basis. (Part III need not be completed.)
OR
☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the
presumption and the other factors discussed below, detention is warranted.
Part III - Analysis and Statement of the Reasons for Detention
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AO 472 (Rev. 11/16) Order of Detention Pending Trial						
Significant family or other ties outside the United States						
Lack of legal status in the United States						
☐ Subject to removal or deportation after serving any period of incarceration						
Prior failure to appear in court as ordered						
Prior attempt(s) to evade law enforcement						
Use of alias(es) or false documents						
☐ Background information unknown or unverified						
Prior violations of probation, parole, or supervised release						
OTHER REASONS OR FURTHER EXPLANATION:						
- Nature of the charged offenses.						
 Government proffers the defendant left the United States for two months after committing the offense. The charged offense involves alleged appropriation of tens of millions of dollars of crypto currency, of which up to million remain unaccounted for, giving the defendant, when combined with his duo citizenship and ties to a foreign country, the means and motivation to flee. 	\$40					
THE ORDER IS WITHOUT PREJUDICE TO ANY REVISION BY THE COURT IN THE PROSECUTING DISTRICT.						
Part IV - Directions Regarding Detention						
The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated represent for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentence being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consult with defense counsel. On order of a court of the United States or on request of an attorney for the Government person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose appearance in connection with a court proceeding.	ces or tation it, the					
Date: 01/04/2023 s/ Bruce J. McGiverin						
United States Magistrate Judge						

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AO 435 (Pay 04/18)	5	ADMINISTRATIV	E OFFICE OF THE	UNITED STATES COURTS	FOR COURT U	SE ONLY	
(Rev. 04/18) TRANSCRIPT (ORDER	DUE DATE:		
1. NAME	uctions.			2. PHONE NUMBER	3. DATE		
Manuel San Juan			(787) 723-6637	1/5/2022			
4. DELIVERY ADDRESS OR EMAIL (sanjuanm@microjuris.com) or 206 Tetuán St. Suite 902			5. CITY Old San Juan	6. STATE PR	7. ZIP CODE 00901		
8. CASE NUMBER 9. JUDGE			DATES OF PROCEEDINGS				
3:22-mj-01583-BJM Bruce J. McGiverin			10. FROM 12/30/2022 11. TO 12/30/2022				
12. CASE NAME				OF PROCEEDINGS			
USA v. Avraham Mayer Eisenberg				13. CITY San Juan	14. STATE Puerto Rico		
15. ORDER FOR APPEAL X CRIMINAL			CRIMINAL JUSTICE ACT	BANKRU	PTCY		
NON-APPEAL CIVIL			☐ IN FORMA PAUPERIS ☐ OTHER				
			(s) of proceeding(s)	for which transcript is requested)			
VOIR DIRE	PORTIONS	DATE(S)		PORTION(S) TESTIMONY (Specify Witness)	DATE(S)		
	ATEMENT (Plaintiff)	-		TESTINION (Specify Williess)			
	ATEMENT (Defendant)						
	GUMENT (Plaintiff)			PRE-TRIAL PROCEEDING (Spcy)			
	GUMENT (Defendant)						
OPINION OF	COURT						
JURY INSTRU	JCTIONS			OTHER (Specify)			
SENTENCING	}						
× BAIL HEARIN	NG	12/30/2022					
			17. O	RDER			
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3-Day			NO. OF COPIES				
DAILY			NO. OF COPIES				
HOURLY			NO. OF COPIES			and Constitution	
REALTIME							
CERTIFICATION (18. & 19.) By signing below, I certify that I will pay all charges (deposit plus additional).				ESTIMATE TOTAL	0.00		
18 SIGNATURE MUJ Ban Jun			PROCESSED BY				
19. DATE 1/5/2023			PHONE NUMBER (787) 723-6637				
TRANSCRIPT TO BE PREPARED BY			COURT ADDRESS		Maria 1965 M.		
ORDER RECEIV	/FD	DATE	BY				
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UNITED STATES DISTRICT COURT

for the

Distric	et of Puerto Rico
United States of America V. Avraham Mayer Eisenberg (1) Defendant)) Case No. 3:22-mj-01583-BJM-1) Charging District's) Case No. 1:23-cr-00010-RMB
COMMITMENT	TO ANOTHER DISTRICT
The defendant has been ordered to appear in th	ne Southern District of New York ,
(if applicable) division. T	The defendant may need an interpreter for this language:
to the charging district and deliver the defendant to the authorized to receive the defendant. The marshal or of States attorney and the clerk of court for that district of	
Date:01/09/2023	S/ BRUCE J. McGIVERIN Judge's signature Bruce J. McGiverin, U.S. Magistrate Judge Printed name and title